

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9757 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?

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3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No

SHARDABEN WD/O. THAKORBHAI CHHOTABHAI PATEL

Versus

GUJARAT WATER RESOURCES DEVELOPMENT CORPORATION

Appearance:

MR KM SHETH FOR GM AMIN for Petitioner

MR.YOGESH VYAS FOR M/S TRIVEDI & GUPTA for Respondent No. 1 and 2.

MR.DA BAMBHANIA FOR Respondents No. 3 to 5

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 26/02/97

ORAL JUDGEMENT

Rule. Mr.Vyas and Mr.Bambhania waive service of the rule on behalf of the respondents.

It has been given out by Mr.Vyas appearing for

Gujarat Water Resources Development Corporation and its Executive Engineer i.e. respondents no. 1 and 2 that papers with regard to the family pension to the widow of Thakorbhai Chhotabhai Patel who had retired on 30.11.1992 and who had expired on 7.10.1993 have already been transmitted to the concerned district panchayat. Mr.D.A.Bambhanja, learned Addl.Govt.Pleader for respondent nos. 3, 4 and 5 has submitted that in case deceased Thakorbhai Chhotabhai Patel was being paid pension prior to the date of his expiry the family pension shall be paid to the widow of Thakorbhai Chhotabhai Patel i.e. the present petition in accordance with rules. The District Panchayat, Ahmedabad with whom the family pension papers are lying as sent by Gujarat Water Resources Development Corporation on 7.2.1997 may therefore transfer the papers of the family pension case to the Assistant Examiner, Local Fund, Audit at Ahmedabad within a period of two weeks from today. The respondents No. 3 to 5 i.e. State of Gujarat, Assistant Examiner, Local Fund, Audit and Director of Pension and Provident Fund shall thereupon process the case at the earliest possible opportunity but in no case later than a period of two weeks from the date the papers of family pension case with regard to the petitioner's deceased husband are received by them. It will be the duty of respondents No. 3, 4 and 5 i.e. State of Gujarat, Assistant Examiner, Local Fund, Audit and Director of Pension and Provident Fund, Ahmedabad to see that the due amount of the family pension is paid into the hands of the petitioner on or before 1st April, 1997 and would continue to pay the same in future.

This Special Civil Application is accordingly allowed with the direction as aforesaid. Rule is made absolute accordingly. No order as to costs.
